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**REMARKS**

Claims 1-23 are currently pending in the present application. In the Office Action, Claims 1-8 and 14-18 were rejected under 35 U.S.C. § 103(a) as allegedly render obvious over U.S. Patent No. 4,677,139 to Feinmann, *et al* (hereinafter Feinmann). Additionally, Claims 4, 8 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious over Feinmann in view of U.S. Patent No. 6,890,177 to Dragan (hereinafter Dragan). The Abstract and Claims 9-13, 19 and 20 were objected to. The Examiner identified Claims 9-13, 19 and 20 as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 21-23 were allowed.

Applicants have amended the claims, which when considered with the comments hereinbelow are deemed to place the present case in condition for allowance. Favorable action is requested.

Via this amendment, Applicant has amended the Abstract to correct the typographical error therein. Additionally, Claims 9-13, 19 and 20 have been rewritten to reflect independent form.

With regard to Claims 1-3, 5-7, 14-15, 17 and 18, the Examiner states that Feinmann teaches application to a wound in a patient's mouth of a curable silicone material capable of undergoing volume expansion of at least about 150%. The Examiner alleges that the elastomeric material is capable of being held in place as in Claim 5 of the present invention. Further, regarding Claims 17 and 18, the Examiner states the material comprises at least one additional silicone compound. The Examiner then takes the position that it would have been obvious to use a silicone material which is curable and expands when it cures in order to minimize substantial risk of postoperative tissue loss.

Pursuant to the rejection of Claims 1-3, 5-7, 14-15, 17 and 18 over the Feinmann, Appliancts traverse this rejection. Feinmann does not suggest or teach the features of the preamble of Claim 1. Feinmann is silent regarding taking a mold, removing the mold, applying a silicone material onto the gingival margin and reapplication of the mold. Moreover, there is no motivation for one skilled in the art to combine the teaching of the preamble with the Feinmann reference.

According to Feinmann, the expansion of the silicone material itself retracts the sulcus. Feinmann at Column 4, line 19, expressly refers to a mere holding in place of the expanding silicone by an opposing tooth as sufficient. Thus, there is no requirement to provide a geometric counterpart of the complete dental situation, such as an impression mold of teeth and surrounding gingiva. Further, in the present invention the molding is kept in place by simple biting, whereas in Feinmann pressure by the dentist or patient is required. At column 2, line 60-65, of Feinmann states "The process includes....maintaining the developed foam in pressure contact with the margin for a period of time...."

Feinmann is directed to dressing a wound such as covering the site of an extraction. Further, the teachings of Feinmann and those of the preamble are exclusive; if a mold is used as in Feinmann, no expansion is considered useful as in the preamble; if an expanding material is used, no precisely defined counterpart is considered useful. Therefore, Feinmann teaches away from the present invention, and such teaching away is indicative of non-obviousness.

Pursuant to the rejection of Claims 4, 8 and 16 under 35 U.S.C. § 103(a), the Office Action cites the combination of Feinmann and Dragan

With regard to Claims 4, 8 and 16, the Examiner alleges that Feinmann teaches at least one hemostatic agent being applied to the area prior to application of the silicone material. The

Examiner also alleges that Dragan is directed to application of specific liquid hemostatic agents. The Examiner then takes the position that it would have been obvious to incorporate the application of the hemostatic agent as taught by Dragan into the method with the silicone material as taught by Feinmann to provide a method for controlling the bleeding at the wound area.

Unlike the present invention, the Dragan reference teaches use of substantial amounts (5-20%) of hemostatic agent to assure gingival retraction.


Unlike Feinmann, in the present invention, according to the preamble of Claim 1, the mold resembles the dental situation where a silicone material is put in place between the mold and the tooth. Dragan uses a conventional, nonexpanding silicone material, which can be pressed into the sulcus by a hydrostatic effect upon biting pressure applied to the mold.

Thus, there would be no motivation to combine Dragan with Feinmann, and such combination does not lead to the present invention. Moreover, the mere fact that the references may be modified in the manner suggested by the Examiner does not make the modification obvious unless there is some suggestion for the desirability of the modification.

For the foregoing reasons, Applicant submits that the present invention overcomes all of the rejections of the Office Action and the claimed subject matter is patentable. A Notice of Allowance is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the under signed attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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